IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

BARBARA M. VACANTI, PERSONAL REPRESENTATIVE OF THE ESTATE OF MILO VACANTI,

8:08-CV-436

Plaintiff.

ORDER

vs.

SUNSET FINANCIAL SERVICES, INC., and BRYAN S. BEHRENS,

Defendants.

BARBARA M. VACANTI, PERSONAL REPRESENTATIVE OF THE ESTATE OF MILO VACANTI,

8:09-CV-44

Plaintiff,

ORDER

vs.

SUNSET FINANCIAL SERVICES, INC., and BRYAN S. BEHRENS,

Defendants.

This matter is before the Court on the stipulation and joint motions for dismissal with prejudice (case no. 8:08-cv-436 filing 376; case no. 8:09-cv-44 filing 296) of the plaintiff's claims against Sunset Financial Services. The motions will be granted.

With the dismissal of the plaintiff's claims against Sunset, no claims remain pending in these cases. Sunset's third-party claims against William H. Green were severed by the bankruptcy court pursuant to Fed. R. Bankr. P. 7021 and Fed. R. Civ. P. 21, and remain pending in the bankruptcy court. See, case no. 8:08-cv-436 filings 264 and 265; case no. 8:09-cv-44 filings 188 and 189. But because they were severed pursuant to Rule 21, they proceed in

discrete, independent actions, and it is the Court's duty to render final judgments on the claims before it. *See E.S. v. Indep. Sch. Dist.*, 135 F.3d 566, 568 (8th Cir. 1998). Accordingly, the Court will close these cases and render final judgments under Fed. R. Civ. P. 58(a).

IT IS ORDERED:

- 1. The moving parties' stipulation and joint motions for dismissal with prejudice (case no. 8:08-cv-436 filing 376; case no. 8:09-cv-44 filing 296) are granted.
- 2. The plaintiff's claims against Sunset Financial Services are dismissed with prejudice, each party to bear its attorney fees and costs.
- 3. All claims having been dismissed, this case is closed.
- 4. A separate judgment will be entered.

Dated this 30th day of July, 2013.

BY THE COURT:

onn M. Gerrard

hited States District Judge